

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:13-CV-667-RJC-DCK**

MARGARET SCISM,)	
)	
Plaintiff,)	
)	
v.)	<u>MEMORANDUM AND RECOMMENDATION</u>
)	
PIEDMONT NATURAL GAS COMPANY, INC.; PIEDMONT NATURAL GAS COMPANY, INC. SHORT TERM DISABILITY PLAN; PIEDMONT NATURAL GAS COMPANY, INC. LONG TERM DISABILITY PLAN; and HARTFORD LIFE INSURANCE COMPANY,)	
)	
)	
Defendants)	
)	

THIS MATTER IS BEFORE THE COURT regarding Defendant “Hartford’s Motion To Dismiss Plaintiff’s Second And Third Claims For Relief” (Document No. 6) filed April 25, 2014, and the parties’ “Joint Motion For Stay” (Document No. 16) filed June 10, 2014. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motions and the record, the undersigned will respectfully recommend that the “Joint Motion For Stay” (Document No. 16) be granted, and that “Hartford’s Motion To Dismiss Plaintiff’s Second And Third Claims For Relief” (Document No. 6) be denied without prejudice.

The undersigned observes that the parties seek to stay this matter until Defendant Hartford Life and Accident Insurance Company has had an opportunity to conduct an administrative review of Plaintiff’s claim for long term disability benefits, and suggest May 27,

2015 as a deadline to complete such review. (Document No. 16). The undersigned finds good cause to allow the requested stay; however, the Court will expect the parties to make every reasonable effort to expedite the administrative review. In addition, the undersigned finds that under these circumstances the pending motion to dismiss should be denied, without prejudice to Defendant Hartford renewing its motion, if necessary, once the stay is lifted.

FOR THE FOREGOING REASONS, the undersigned respectfully recommends that that the “Joint Motion For Stay” (Document No. 16) be **GRANTED**, and that this matter be **STAYED** until otherwise ordered by the Court.

IT IS FURTHER RECOMMENDED that the parties be required to file a “Certification of Initial Attorney’s Conference” by **March 2, 2015**, or within **ten (10) days** of completion of the administrative review, whichever date is earlier.

IT IS FURTHER RECOMMENDED that the parties be required to file a “Status Report” on **October 15, 2014**, and every **sixty (60) days** thereafter, until the **STAY** is lifted or the case is closed.

IT IS FURTHER RECOMMENDED that Defendant “Hartford’s Motion To Dismiss Plaintiff’s Second And Third Claims For Relief” (Document No. 6) be **DENIED WITHOUT PREJUDICE**.

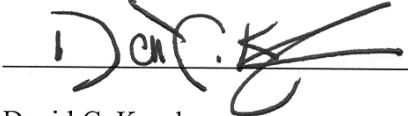
TIME FOR OBJECTIONS

The parties are hereby advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of the Federal Rules of Civil Procedure, written objections to the proposed findings of fact, conclusions of law, and recommendation contained herein may be filed within **fourteen (14) days** of service of same. Responses to objections may be filed within fourteen (14) days after service of the objections. Fed.R.Civ.P. 72(b)(2). Failure to file objections to this Memorandum

and Recommendation with the District Court constitutes a waiver of the right to *de novo* review by the District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005). Moreover, failure to file timely objections will preclude the parties from raising such objections on appeal. Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Snyder v. Ridenhour, 889 F.2d 1363, 1365 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 147-48 (1985), reh'g denied, 474 U.S. 1111 (1986).

IT IS SO RECOMMENDED.

Signed: June 12, 2014



David C. Keesler
United States Magistrate Judge
